

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH *JHR*

THOMPSON *AT*

CHILCOTT *ge*

DRISCOLL *KD*

PLETTENBERG (Clerk & Recorder)

Date.....May 15, 2008

Members Present..... Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg Chilcott and
Commissioner Kathleen Driscoll

Minutes: Beth Perkins

► The Board met for a public hearing for Riverside Meadows Major Subdivision. Present were
Planner John Lavey, Attorney Bill Van Canagan, Owners Stan Norgaard, Dara Norgaard, Corbett
Norgaard, Road Engineer Matt Ulberg and Representative Tony Prothero.

Commissioner Grandstaff called the meeting to order and requested any disclosure of conflicts of
interest. Hearing none, she then requested the Planning Staff Report be read.

John presented the Staff Report as follows:

**RIVERSIDE MEADOWS
FIFTEEN-LOT MAJOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: John Lavey

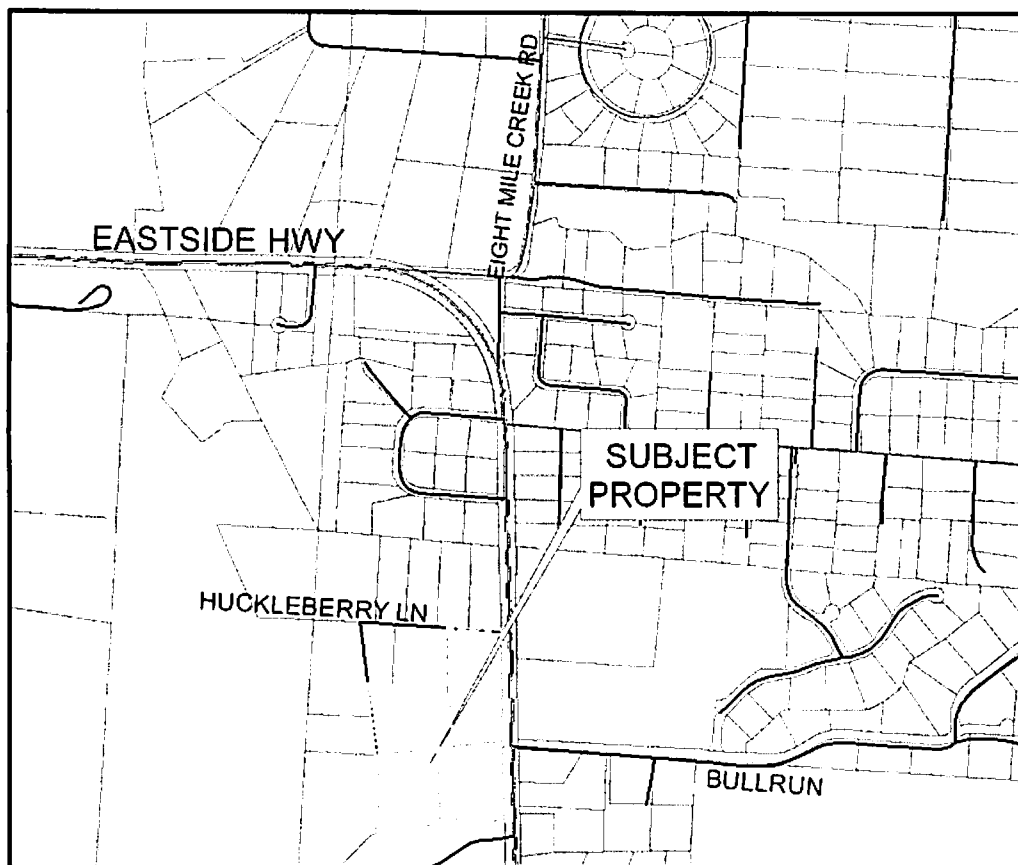
**REVIEWED/
APPROVED BY:** Renee Lemon

PUBLIC MEETINGS: BCC Public Meeting: 9:00 a.m. May 15, 2008
Deadline for BCC action (60 working days): May 27, 2008

SUBDIVIDER: Stan Norgaard
P. O. Box 247
Lolo, MT 59847

REPRESENTATIVE: Tony Prothero
Intermountain Consulting Engineers LLC
P. O. Box 7542
Helena, MT 59604

LOCATION OF REQUEST: The property is located on Eastside Highway, approximately 2 miles east of Florence. (See Map 1)



Map 1:

Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Lots 1 & 5 of COS 2400; Lot 2A of COS 556236-R; Remainder of Parcel F of COS 1197 all in the W ½, Section 18, T10N, R19W, Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined sufficient on March 3, 2008. Agencies were notified of the subdivision on October 2, 2007 and March 5, 2008. The Planning Board held a public meeting on April 23, 2008 to consider the proposal. Comments received from agencies are Exhibits A-1 through A-16 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended**

May 24, 2007. On November 7, 2006, voters enacted interim zoning that applied to any subdivision that had not received preliminary approval from the Board of County Commissioners. This subdivision is being processed in accordance with the *Lords et al. v Ravalli County* settlement agreement.

LEGAL NOTIFICATION: Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated March 4, 2008. One public comment is included as Exhibit B.

**DEVELOPMENT
PATTERN:**

North:	Residential rural
South:	Residential rural
East:	Residential/agriculture rural
West:	Residential/agriculture rural

INTRODUCTION

The subject property is currently irrigated through a hand-line sprinkler system and producing alfalfa grass hay. The parcel is currently being used to provide hay feed for the landowners horses and to maintain the property in a noxious weed free state. The applicant is proposing 1.13 acres to fulfill the parkland dedication requirement. The subdivision is accessed via the non-County-maintained, non-County-standard road, Huckleberry Road. The applicant is required to improve Huckleberry Road to meet County standards prior to final plat approval.

Staff recommends conditional approval of the subdivision proposal.

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
MAY 15, 2008**

**RIVERSIDE MEADOWS
FIFTEEN-LOT MAJOR SUBDIVISION**

PLANNING STAFF RECOMMENDED MOTION

That the Riverside Meadows Major Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

PLANNING STAFF RECOMMENDED CONDITIONS

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

Limitation of Access onto Roads. A "no-ingress/egress" restriction exists along the Eastside Highway and Huckleberry Road frontages of the subdivision, excepting the approved approach to the internal subdivision road. This limitation of access may be

lifted or amended only with the approval of the Board of County Commissioners.
(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)

Notification of Road Maintenance Agreement. The internal subdivision road, Heron Park Drive, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (Section 3-2-8(b)(v), RCSR, Effects on Local Services)

Notification of "Very Limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited soils in question are included as exhibits to this document [the applicant shall include the reduced plat and exhibits as attachments]. (Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety)

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in a natural drainage feature. No new structure, including fences, may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment & Wildlife and Wildlife Habitat)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 15 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock do not**

leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.

- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. Purchasers of Lots within this subdivision must recognize that the subdivision is located near the Bitterroot River and its natural sloughs, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from morning until sunset, and the season can run from September into January. Homeowners should familiarize themselves with the provisions of the Montana **Stream Access Law** (MCA 23-2-301 through 322) as it relates to water-related recreational activities allowed within the high water marks of rivers and streams, including sloughs.
- m. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

No-build/alteration zone. There is a 50-foot wide no-build/alteration zone located along both sides of the unnamed side drainage feature that runs east to west through the parkland. This zone is shown on the plat. This zone includes the drainage feature, its associated riparian area and any other area within 50 feet of each side of the drainages centerline. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment & Wildlife and Wildlife Habitat*)

The following restrictions apply to the no-build/alteration zones along this unnamed side drainage (50 feet on either side); hereafter the no-build/alteration zone is referred to as the "zone".

- a. No building or alteration is allowed in the zone.
- b. No motorized use. Only foot traffic is allowed in the zone.
- c. Keep livestock out of the zone. Develop off-stream watering facilities (e.g. water troughs) for livestock, and use fences if necessary to keep livestock from trampling and grazing riparian vegetation.
- d. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the no-build/alteration zones. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to

feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.

- e. Do not plant lawns in the no-build/alteration zones. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- f. In summary, allow the riparian and wetland areas within the no-build/alteration zones to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- g. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

Control of Noxious Weeds. A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Florence Fire Department has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council, which includes the Florence Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must

have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Fire Department and Quick Response Unit for further information. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (Effects on the Natural Environment)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (Section 3-2-8(b)(v), RCSR, Effects on all six criteria)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, Effects on Local Services & Public Health and Safety)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

5. Prior to final plat approval, the subdividers shall provide a letter from the Florence Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that a \$500 per lot contribution has been submitted to the Florence Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Fire Department for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Florence-Carlton School District stating that they have received a (to be determined at the Commissioner meeting) per lot contribution prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
8. The subdivider shall submit (to be determined at the Commissioner meeting) per lot to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
9. The internal subdivision road shall be labeled as a "privately maintained road within a public easement" on the final plat. *(Section 3-2-8(a) and Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
10. The final plat shall show no-ingress/egress zones along the Huckleberry Road and Eastside Highway frontages of the subdivision, excepting the approaches to Huckleberry Road from the internal subdivision road. *(Section 3-2-8(a) and Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
11. Stop signs and road name signs shall be installed at both intersections of the internal subdivision road with Huckleberry Road, and at the intersection of Huckleberry Road with Eastside Highway prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
12. The final plat shall show 50-foot wide no-build/alteration zones located along each side of the unnamed drainage feature (100 feet total) that traverses predominately through the park land area. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)*
13. The applicants shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Florence post office's standards, and that its installation has been approved by the Florence post office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Florence Post

Office that a CBU is not required for this subdivision. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)

14. The applicant shall provide evidence indicating that all surface water rights associated with the subject property have been severed from the land prior to final plat approval. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v), Effects on Agricultural Water User Facilities*)

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
 - a. Project name
 - b. Title block
 - c. Certificate of registered owner – notarized
 - d. Certificate of registered land surveyor with seal
 - e. Certificate of governing body approval
 - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g. Certificate of public dedication
 - h. Certificate of park cash-in-lieu payment
 - i. Other certifications as appropriate
 - j. North arrow
 - k. Graphic scale
 - l. Legal description
 - m. Property boundaries (bearings, lengths, curve data)
 - n. Pertinent section corners and subdivision corners
 - o. Names of adjoining subdivisions/certificates of survey
 - p. Monuments found
 - q. Witness monuments
 - r. Acreage of subject parcel
 - s. Curve data (radius, arc length, notation of non-tangent curves)
 - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u. Lots and blocks designated by number (dimensions/acreage)
 - v. Easements/rights of ways (location, width, purpose, ownership)
 - w. Dedication for public use
 - x. No-build/alteration zones
 - y. No-ingress/egress zones
 - z. Water resources (rivers, ponds, etc.)
 - aa. Floodplains
 - bb. Irrigation canals including diversion point(s), etc.

- cc. High-pressure gas lines
 - dd. Existing and new roads (names, ownership, etc.)
 - ee. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
 - ff. No ingress/egress zone along Eastside Highway and Huckleberry Road, excepting the approved approach.
 - gg. No-build/alteration zone along unnamed drainage.
 - hh. Easement for internal road labeled as "privately maintained road within a public easement".
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal.
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.
 7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
 8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
 9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
 10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
 11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
 12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
 13. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
 14. Evidence of Ravalli County approved road name petitions for each new road.
 15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
 16. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal.
 17. Road certification(s).
 18. Utility availability certification(s) shall be submitted with the final plat submittal.
 19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
 20. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.
 21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.

22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
 - a. Specific infrastructure improvements required for this subdivision are the reconstruction of Huckleberry Road to meet County Standards, the construction of the internal subdivision roads, installation of a slab and CBU, and installation of stop signs and road name signs.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located along the Eastside Highway and Huckleberry Road frontages of the subdivision. (Riverside Meadows Subdivision Application)
2. A proposed 60-foot wide road and utility easement, Heron Park Drive, will provide utilities to proposed Lots 1 to 15. (Riverside Meadows Subdivision File)
3. A portion of the road easement for Heron Park Drive is located on adjacent properties to the west. There is an existing private Easement for the use of the proposed subdivision. (Riverside Meadows Subdivision File)
4. An existing road easement traverses proposed Lots 5, 11, and 14. The easement is proposed to be abandoned with the platting of this subdivision. (Riverside Meadows Subdivision File)
5. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subdivision is accessed by Eastside Highway, Huckleberry Road, and the internal subdivision road. (Riverside Meadows Subdivision Application)
2. Eastside Highway is maintained by Montana Department of Transportation (MDT), which provides legal and physical access. (RCSR – Exhibit A)
3. Huckleberry Road is a non-County-maintained road that does not meet County standards. (Riverside Meadows Subdivision Application)
4. The applicant is required to improve the portion of Huckleberry Road leading to the subdivision to meet county standards. (Section 5-4-5(a) and (b)(4), RCSR)
5. Huckleberry Road will be located within a 60-foot wide easement. (Riverside Meadows Subdivision File)
6. Plans for the improvement of Huckleberry Road were submitted and reviewed with the preliminary plat applications of Riverside Meadows. (Riverside Meadows Subdivision File)
7. An engineer's certification that Huckleberry Road and Heron Park Drive meet County standards is requirement of final plat approval. (Riverside Meadows Subdivision File)
8. The applicant is proposing to construct the internal road to meet county standards. (Riverside Meadows Subdivision Application)
9. *To ensure legal and physical access to the subdivision, the applicant shall meet the following requirements:*
 - *The applicant shall be required to provide an engineer's certification that Huckleberry Road meets county standards prior to final plat approval. (Final Plat Requirement 1)*
 - *The applicant shall be required to construct the internal subdivision road to meet county standards and obtain final approval from the Road Department. (Final Plat Requirement 26)*
 - *The final plat shall show that the internal subdivision road is labeled as a "public road and utility easement". (Final Plat Requirement 2)*

Conclusion of Law

With the mitigating conditions and requirements of final plat approval, legal and physical access will be provided.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 27):

- a. Specific infrastructure improvements required for this subdivision are the reconstruction of Huckleberry Road to meet County Standards, the

construction of the internal subdivision roads, installation of a slab and CBU, and installation of stop signs and road name signs.

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 1.31 acres. (Riverside Meadows Subdivision File)
3. The applicant is proposing to sever all of the water rights from the subject property, and will transfer them to another property under his ownership. The applicant owns several properties adjoining the subject property and in close proximity to the subject property. (Riverside Meadows Subdivision File)
4. *To ensure that the water rights have been severed from the land, the applicant shall provide evidence that this has occurred prior to final plat approval. (Condition 13)*

Conclusion of Law

Upon providing proof that the water rights have been severed from the land, this requirement will be met.

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of

- an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
- (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
- 2. There is an existing four-inch irrigation pipe traversing the property north to south through Lots 9 to 12. The applicant is proposing to remove the irrigation ditch. (Preliminary Plat)
 - 3. At this time, it is unknown if there are any downstream users of this pipeline. If there are downstream users, the applicant will be required to submit a signed and notarized statement from each of them authorizing the removal. (Riverside Meadows Subdivision File and Final Plat Requirement 21)
 - 4. There are no other irrigation ditches on or within 300 feet of the subject property. (Riverside Meadows Subdivision File)
 - 5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the applicant shall submit a notarized statement from each downstream water user specifically authorizing the relocation of the ditch. (Requirement 21)*

Conclusion of Law

With the requirement of final plat approval, this prerequisite will be met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Findings of Fact

- 1. The application states that 0.98 acres of land are required to meet the parkland dedication requirement. (Riverside Meadows Subdivision Application)
- 2. The applicant is proposing to set aside 1.13 acres of land in the southeast corner of the property to provide parkland for the subdivision. The applicant is proposing a twenty-foot access easement from the internal road leading to the parkland. (Riverside Meadows Subdivision Application)
- 3. Notification letters were sent to the Ravalli County Park Board requesting comments on June 11, 2007 and on March 4, 2008. (Riverside Meadows Subdivision File)
- 4. The Ravalli County Park Board has not commented on the proposal. (Riverside Meadows Subdivision Application)
- 5. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)

Conclusion of Law

The applicant has proposed parkland dedication that meets State Law, but it is unknown whether the Park Board agrees with the proposal.

G. Overall Findings and Conclusions on Prerequisite Requirements

There is adequate evidence to demonstrate compliance with each prerequisite to approval.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Riverside Meadows Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Riverside Meadows Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

B. Applicable zoning regulations.

Findings of Fact

1. This subdivision is subject to the settlement agreement filed in the *Lords et al. v. Ravalli* County lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006 and may be affected by final adjudication from said settlement. (Riverside Meadows Subdivision File)
2. The property is located within the "Torp & Norgaard" Voluntary Zoning District (permanent file #6397). District standards prescribe a minimum lot size of one dwelling per one acres, 25-foot lot line setbacks from front and rear lot lines and 15-foot setbacks from side lot lines, a maximum building height of 30-feet, and a list of permitted uses, including: single-family dwellings, no mobile homes, no modular homes, and allows accessory buildings and uses. (Riverside Meadows Subdivision File)

Conclusion of Law

This proposal appears to comply with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no covenants or deed restrictions on the property. (Riverside Meadows Subdivision Application)

Conclusion of Law

Since there are no covenants or deed restrictions, this does not apply.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on approximately 20 acres will result in 15 lots that range in size from 1.1 acres to 1.5 acres. The property is located roughly two miles east of Florence on Eastside Highway. (Riverside Meadows Subdivision File)
2. The property is currently being used for agricultural purposes. (Riverside Meadows Subdivision File)
3. There are existing agricultural operations in close proximity to the subject property. (Riverside Meadows Subdivision File)
4. According to the Web Soil Survey for Ravalli County, approximately 1.5 acres of the soils located on the property are categorized as "Farmland of Statewide Importance". (Riverside Meadows Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
5. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated that spotted knapweed infests areas along Huckleberry Road and along the fence line by Eastside Highway on the property. (Riverside Meadows Subdivision Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*

- *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
- *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There is one water right associated with this property. Water right 76H 116760-00 is a decreed right that appropriates 1.23 cubic feet per second from an unnamed tributary of the Bitterroot River. (Riverside Meadows Subdivision Application)
2. Irrigation water was delivered to the site in the past by a hand-line sprinkler system. (Riverside Meadows Subdivision Application)
3. There is one existing four-inch irrigation pipe traversing proposed lots 9 through 12. It is proposed to be removed with the development of this subdivisions. There are no other irrigation ditches, pipelines, canals, or easements on or within 300 feet of the subject property. (Riverside Meadows Subdivision Application)
4. The applicant is proposing to sever all rights from the subject property and transfer them to another property under his ownership. The applicant owns several properties adjoining the subject property and in close proximity to the subject property. (Riverside Meadows Subdivision Application)
5. *Prior to final plat approval, the subdivider shall provide evidence that all surface water rights have been severed from the land. (Condition 14)*

Conclusion of Law

With the mitigating condition of approval, there will be minimal impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire Department

1. The subdivision is located within the Florence Fire Department. (Riverside Meadows Subdivision File)
2. Notification letters were sent to the Florence Fire District requesting comments on June 11, 2007 and on March 4, 2008, but no comments have been received. (Riverside Meadows Subdivision File)
3. The All Valley Fire Council, which includes the Florence Fire Department, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-8)
4. *The following conditions will mitigate impacts of the subdivision on the Fire District:*

- *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
- *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. (Condition 2)*
- *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
- *Prior to final plat approval, the subdividers shall provide a letter from the Florence Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Florence Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
- *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Fire Department for further information". (Condition 6)*

School District

5. The proposed subdivision is located within the Florence-Carlton School District. (Riverside Meadows Subdivision File)
6. It is estimated that seven to eight school-aged children will be added to the Florence-Carlton School District, assuming an average of 0.5 children per household. (Census 2000)
7. Notification letters were sent to the Florence-Carlton School District requesting comments on June 11, 2007 and on March 4, 2008. (Riverside Meadows Subdivision File)
8. In a letter received June 14, 2007, the Florence-Carlton school district requested \$10,418 per lot – an amount based off an impact fee study completed for the district. (Exhibit A-3)
9. Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
10. The cost per pupil for one year in the Florence School District, excluding capital costs, is \$6,686. Taxes from new residents are not immediately available to the school districts. (Exhibit A-12)
11. *Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Florence School District, if possible, to mitigate potential impacts of the additional students on the School District. (Condition 7 and Final Plat Requirement 24)*

Public Safety

12. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Riverside Meadows Subdivision File)

13. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on June 11, 2007 and on March 4, 2008, but no comments have been received from the Sheriff's Office. (Riverside Meadows Estates Subdivision File)
14. This proposed subdivision is located approximately 30 miles from the Sheriff dispatch in Hamilton. (Ravalli County GIS Data)
15. The applicant has not proposed any mitigation for the impacts of the additional 37.5 people on Public Safety Services prior to taxes being collected for the additional households. (Reflection Subdivision Application)
16. The applicant is not proposing a contribution for Ravalli County Public Safety Services (Sheriff's Office, E-911, and the Department of Emergency Services). (Reflection Subdivision File)
17. *To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall submit a (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

Roads

18. There are 15 proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 120 vehicular trips per day, assuming eight trips per day per lot. (Riverside Meadows Subdivision File)
19. The subdivision is accessed by Eastside Highway, Huckleberry Road, and the internal subdivision road. (Riverside Meadows Subdivision Application)
20. Eastside Highway is maintained by Montana Department of Transportation (MDT), which provides legal and physical access. (RCSR – Exhibit A)
21. Huckleberry Road is a non-County-maintained road that does not meet County standards. (Riverside Meadows Subdivision Application)
22. The applicant is proposing and is required to improve the portion of Huckleberry Road leading to the subdivision to meet county standards. (Section 5-4-5(a) and (b)(4), RCSR)
23. Huckleberry Road will be located within a 60-foot wide easement. (Riverside Meadows Subdivision File)
24. Plans for the improvement of Huckleberry Road were submitted and reviewed with the preliminary plat applications of Riverside Meadows. (Riverside Meadows Subdivision File)
25. An engineer's certification that Huckleberry Road and Heron Park Drive meet County standards is requirement of final plat approval. (Riverside Meadows Subdivision File)
26. The applicant is proposing to construct the internal road to meet county standards. (Riverside Meadows Subdivision Application)
27. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
 - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
 - *The final plat shall show no-ingress/egress zones along the Huckleberry Road and Eastside Highway frontages of the subdivision, excepting the approaches to*

Huckleberry Road from the internal subdivision road.(Condition 10 and Final Plat Requirement 2)

- *A notification of this limitation of access will be included in the notifications document. (Condition 1)*
- *Stop signs and road name signs shall be installed at both intersections of the internal subdivision road with Huckleberry Road, and at the intersection of Huckleberry Road with Eastside Highway prior to final plat approval. (Condition 11)*
- *The internal subdivision road shall be labeled as a "public road and utility easement" on the final plat. (Condition 9)*
- *Huckleberry Road shall be brought to current County road standards, as proposed in the preliminary plat application. (Final Plat Requirement 26)*
- *A notification of the Road Maintenance Agreement shall be included in the notifications document. (Condition 1)*
- *Prior to final plat approval, evidence of a Ravalli County approved road name petition for the new road shall be provided. (Final Plat Requirement 14)*
- *Final Road Plans and Grading and Storm Water Drainage Plans and Road certifications for the internal roads shall be submitted with the final plat submittal. (Final Plat Requirement 16 and 17)*
- *The applicant shall be required to provide an engineer's certification that Huckleberry Road meets county standards prior to final plat approval. (Final Plat Requirement 1)*
- *The applicant shall be required to construct the internal subdivision road to meet county standards and obtain final approval from the Road Department. (Final Plat Requirement 26)*
- *The final plat shall show that the internal subdivision road is labeled as a "public road and utility easement". (Condition 9 and Final Plat Requirement 2)*

Ambulance Services

28. Ambulance services will be provided by either Marcus Daly Hospital or Missoula Emergency Services. Patients are normally transported to Community Medical Center of Missoula. (Riverside Meadows Subdivision File)
29. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

Water and Wastewater Districts

30. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Riverside Meadows Subdivision File)

Solid Waste Services

31. Bitterroot Disposal provides service to this site. (Riverside Meadows Subdivision File)
32. Notification letters were sent to Bitterroot Disposal requesting comments on June 11, 2007 and on March 4, 2008, but no comments have been received. (Riverside Meadows Subdivision File)

Utilities

33. The proposed subdivision will be served by Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Riverside Meadows Subdivision File)

34. Notification letters were sent to the utility companies requesting comments on June 11, 2007 and on March 4, 2008, but no comments have been received. (Riverside Meadows Subdivision File)
35. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit utility availability certifications from Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

Mail Delivery Services

36. In a letter dated June 8, 2007 and subsequent email dated June 29, 2007, the United States Postal Service requested that the applicant install a Collective Box Unit (CBU) to receive mail, and a concrete slab to place the CBU upon. (Exhibit A-11)
37. *To mitigate impacts on local services, the applicants shall install the concrete slab and CBU, and provide evidence of its approval by the Florence post office prior to final plat approval. (Condition 13)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. In an email dated January 10, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. There are no gravel roads accessing the subdivision. (Exhibit A-3)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

Ground/Surface Water

4. A natural drainage traverses through the proposed park land. According to the application, water flows through the drainage only in the most significant rainfall events. (Riverside Meadows Subdivision Application)
5. Section 5-8-1(g) of the RCSR states that natural drainage ways shall be preserved except for necessary crossings.
6. The applicant is not proposing a crossing of the natural drainage, and the portion of the drainage on the property is located entirely within the area proposed for parkland. (Riverside Meadows Subdivision Application)

7. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Riverside Meadows Subdivision File)
8. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-6, MCA 76-3-622)
9. The Bitterroot River is located over 600 feet to the west of the subject property, and the mapped floodplain of the Bitterroot River is approximately 160-feet from the subject property. (Ravalli County GIS Data)
10. *The following requirements will mitigate impacts of the subdivision on ground and surface water:*
 - *The final plat shall show a 50-foot no-build/alteration zone located along both sides of the unnamed drainage (100-feet total) that traverses predominately through the park land area. (Condition 12)*
 - *A notification of the no-build/alteration zone shall be included in the notifications document. (Condition 1)*
 - *A covenant regarding the no-build/alteration zone shall be included in the covenants document. (Condition 2)*
 - *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Light Pollution

11. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, www.darksky.org)
12. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

13. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated that spotted knapweed is located along the frontages of Huckleberry Road and Eastside Highway. (Riverside Meadows Subdivision Application)
14. Vegetation is located within the proposed parkland area. Fish, Wildlife, and Parks recommended that a 50-foot no-build/alteration zone be placed on either side of the natural drainage that traverses the park land. (Site Visit and Exhibit A-2)
15. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
16. *To mitigate impacts on vegetation, the following conditions and requirements shall be met:*
 - *The final plat shall show a 50-foot no-build/alteration zone located along both sides of the unnamed drainage (100-feet total) that traverses predominately through the park land area. (Condition 12)*

- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
- *A notification of the no-build/alteration zone shall be included in the notifications document. (Condition 1)*
- *A covenant regarding the no-build/alteration zone shall be included in the covenants document. (Condition 2)*

Archaeological Resources

17. There are no known sites of historical significance on the property. (Riverside Meadows Subdivision Application)
18. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

According to the Montana Natural Heritage Program, the Lewis's Woodpecker and Bald Eagle were identified as animal species of concern that could exist in the same section as the proposal. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for both identified species based on a lack of habitat on the property. (Exhibit A-1 and Riverside Meadows Subdivision File)

The subject property is not located within big-game winter range. (FWP GIS data)

In a letter dated August 22, 2005, FWP recommended living with wildlife covenants for the property. (Exhibit A-2)

To mitigate impacts on wildlife, the following conditions shall be met:

- *The covenants shall include a living with wildlife section. (Condition 2)*
- *A notification of the no-build/alteration zone shall be included in the notifications document. (Condition 1)*

A covenant regarding the no-build/alteration zone shall be included in the covenants document. (Condition 2)

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Eastside Highway and Huckleberry Road. (Riverside Meadows Subdivision Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Florence Fire Department, the Ravalli County Sheriff's Office, and either Marcus Daly Hospital or Missoula Emergency Services. (Riverside Meadows Subdivision Application)
4. This proposal will add approximately 37.5 people to Ravalli County. (Census 2000)
5. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

6. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Riverside Meadows Subdivision File)
7. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-6, MCA 76-3-622)
8. *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

9. The Bitterroot River is located over 600 feet to the west of the subject property, and the mapped floodplain of the Bitterroot River is approximately 160-feet from the subject property. (Ravalli County GIS Data)
10. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
11. The preliminary plat and soils map indicate there are soil types on the property that are considered "Very Limited" for construction of roads and/or buildings. (Riverside Meadows Subdivision File)
12. *To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:*

- *A notification of "Very Limited" soils shall be included in the notifications document. (Condition 1)*
- *The covenants shall include a statement regarding radon exposure. (Condition 2)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

Commissioner Grandstaff opened public comment.

Tony stated they agree with the Staff Report. He noted working with Planner John Lavey has been great. He also complimented Joanna Hamilton 9-1-1 Coordinator. They are proposing individual wells and drain fields. The access will be on Huckleberry Lane. The applicant is planning to build the houses on each lot with full build out to occur within 10 years. Tony discussed the change with the park land becoming a no build/alteration zone in the south east corner, and stated that the Planning Board recommended cash-in-lieu, and that they agree to that. He stated the area has very little agricultural value. The remaining property is an alfalfa patch and they have maintained the property in a weed free state. Tony stated for school bus access, the school bus had two options which are stop on the highway stopping traffic in both directions or they could have the option of using Huckleberry Lane for stops. He discussed the DEQ application. He stated they submitted the application August of 2005. He submitted a letter of preliminary approval for 15 drain fields dated March 9, 2006. Tony discussed the correspondence in the DEQ application with Sanitarian Morgan Farrell. He did ground water monitoring in 2005 when Theresa Blazievich was the Environmental Health Director. They have met the state rules for mixing zones and they have complied with the subdivision regulations. Another Planning Board issue was the proximity of emergency services. Tony presented the Board with correspondence from Joanna Hamilton regarding response times for emergency services. He also included an email from Dan Martin, Fire Chief of Florence Volunteer Fire Department stating the estimated response time is an average of 5 to 7 minutes. Tony stated based upon the materials just submitted to the Board, emergency response time should not be an issue.

Tony stated they still need final road approval before they can obtain an approach permit. The bend in the highway near Eight Mile Creek Road will be under construction for a round-about and would be finished 2012.

Matt Ulberg stated he is a professional road engineer and was asked to come here today to answer any questions regarding the road. He stated this is a county standard road of 24 foot width with 60 foot easement. He stated there are about 800 cars heading north in the morning on Eastside Highway. Over the next ten years it is safe to estimate the trips increasing to 1,000. The subdivision traffic will have to wait to turn left onto Eastside Highway. He discussed the grade scale for the road. He stated in his opinion, the road is going to be totally satisfactory. They do not require a traffic analysis study for this subdivision. Given there are 25 to 35 cars in peak hour, he does not see any issues with

the alignment sites. It will accommodate bus and motor home capacities. The only signage required are stop signs which will be installed in the correct places.

Commissioner Grandstaff requested any further comment, hearing none, then closed public comment.

Commissioner Grandstaff read the Planning Board recommendation of denial based on the issues that Tony addressed earlier. She then opened Board deliberations.

Commissioner Rokosch asked about the response time information presented to the Board if it was general. Tony replied Joanna gave him an average for the area. Commissioner Rokosch asked in the request, which roads were used. Tony replied the roads were Huckleberry Lane, Applebury Drive, Grande Vista Drive, Flathead Drive, Blackfoot Lane, Antrim Way, Fiddler Court, Maleck Court, and Crane Drive. He also stated Joanna included the response times for certain instances as well as non-emergency calls. Commissioner Rokosch asked Tony what were the timeframes. Tony replied the ones for Applebury and Fiddler Court were from the past year and the remainder in the last two years.

Commissioner Grandstaff stated she disagrees with Tony's statement of people need to take responsibility of living outside of town limits for emergency response time. Commissioner Chilcott stated an average response time of 9 minutes is pretty impressive. Commissioner Rokosch asked Matt if he has any traffic data. Matt replied he has traffic data that was obtained at Eight Mile Road section in 2006. He also has traffic counts from 2002 and 2004 which was done on an hourly basis. Matt discussed peak traffic times and the ratio of overall traffic. It does not typically change over time. If development does not occur; then you can assume traffic will not increase, however, that will not happen.

Commissioner Driscoll asked what is the maximum load on Eastside Highway. Matt replied he has the manual with him and it would not take long to get an educated estimate. He stated it starts at 2,200 vehicles per peak hour per lane which is 60% capacity. The volumes on Eastside Highway don't come close to the volumes on Highway 93 but it is close enough to warrant DOT to look at it. All the major access roads for subdivisions would warrant improvements. ADT number that would correspond to it is about 10,000. We are looking at an ADT of 15,000 which will warrant improvements. Commissioner Driscoll asked about the capacity during peak time. Matt replied it is about 12% capacity. Commissioner Grandstaff asked about traffic problems with increasing volumes. Matt used Corvallis traffic increases as an example. He stated rather than Eastside Highway being busy at 8 a.m. and 5 p.m. it is now busy all day long with peaks at 8 a.m. and 5 p.m. As for Highway calculations, there is a practice that can be incorporated for bicycles and pedestrians. Ultimately, there should be a county wide planning effort for bicycles and pedestrians. Hidden Valley Road is a natural place to extend the pathway. Commissioner Driscoll asked about separating vehicle and pedestrian traffic. Matt replied it is always better to separate the traffic. Commissioner Rokosch questioned page 11 item A for the road easement being located on a private

easement for the use of the subdivision. Tony replied with this subdivision, they are proposing to abandon the easement to the south and develop the road. Commissioner Rokosch asked if it was part of the original split for the parcels, who is that easement with. Tony replied it is with the Norgaards. Tony pointed out the area on the map indicating where the easement exists.

Commissioner Chilcott requested the offered mitigation to expedite criteria review.

Tony stated the offer is \$500 per lot for Fire District, \$500 per lot for School District, \$75 per lot for Public Safety.

Criteria One: Effects on Agriculture:

Commissioner Rokosch requested mitigation for agricultural loss for the Open Lands Program. Tony pointed out the one acre of soils on the map which does not have a lot of agricultural value. Commissioner Grandstaff questioned the use of the land for agricultural purpose. Tony replied it is being used for hay production. Commissioner Rokosch explained the importance of agricultural land being taken out of production needs to be mitigated for the loss. John stated the perma mapping unit is of farmland to the east of the map. He stated perma is a farmland soil of local importance. Commissioner Rokosch suggested \$250 per lot to mitigate the loss. **Tony agreed for \$250 per lot for the Open Lands program. All Commissioners voted sufficiently mitigated.**

Criteria Two: Effects on Agricultural Water Users: Commissioner Rokosch questioned downstream water users. Dara Norgaard stated they pump from the river up the main line. She pointed out on the map where the water rights would be severed and where they are proposing to keep them. **All Commissioners voted sufficiently mitigated.**

Criteria Three: Effects on Local Services: Commissioner Rokosch stated there is an offered mitigation of \$500 per lot to the Fire District. Commissioner Grandstaff questioned the environmental assessment for the schools. She stated she disagrees with the statement of having the children bussed to under capacity schools due to Florence being over capacity. Tony replied in Helena, they no longer have a neighborhood school system. They are bussed to an under capacity school. Commissioner Rokosch reiterated Exhibit A-12 from Superintendent of Schools Ernie Jean which lists the non-capital expenditures for the school districts. He stated if you split the numbers, it is the cost of educating one pupil. Tony questioned the tax levy per pupil figure. Is that the total tax that is levied per house? Commissioner Rokosch replied there are some things that are excluded such as the Teachers Retirement Fund. This is strictly local funds that are non-capital.

Bill VanCanagan stated this issue about mitigation for the schools has been discussed with other subdivisions. His recollection with Remington Ridge and others there had been a recommendation of \$500 per lot. He would challenge the document and questioned if it has been adopted as normal practice. Commissioner Grandstaff replied the document was prepared by the County Superintendent of School and the mitigation is a negotiated item. The \$500 per lot is an average. Commissioner Rokosch stated the Board cannot deny a subdivision based solely on offered mitigation for schools.

Stan Norgaard questioned Commissioner Chilcott's opinion regarding net effect of the students in the area based on 11 lots. He requested if they could offer the mitigation based on 11 lots. Commissioner Rokosch stated he disagreed with Commissioner Chilcott's opinion and stated the impacts of students in the school district are felt immediately therefore, there needs to be mitigation on all lots. Discussion followed regarding the number of lots and offered mitigation and impact fees.

Bill Van Canagan stated it is an unusual subdivision with build ut over a period of ten years, that should be factored in. **Dara offered mitigation of \$800 per lot for schools upon final plat.**

Commissioner Driscoll asked about collection of the children throughout the subdivision. Tony replied they are trying to maintain the rural character of the lots. It has not been designed but they are looking at a network of trails leading to a path up to a bus shelter. Tony stated they did not sit through and design a location of where it would be located. Tony suggested running a path along Herron Park Drive. Commissioner Grandstaff stated if the developers agree to a five foot trail it would be sufficient along with a bus shelter and bus pick up. The Norgaards agreed to have a five foot trail. Tony pointed out on the map where it would be. Commissioner Chilcott stated if the developer agreed to the outside of Herron Park Drive to the southern side of Huckleberry Lane to Eastside Highway would be sufficient. John requested the type of path such as gravel, paved, etc. Dara stated she would prefer interior Herron Park Drive. **John stated for clarification it would run the interior of the south side of Herron Park Drive with an asphalt surface of five feet and then to the south side of Huckleberry Lane.** Commissioner Rokosch questioned the bus shelter. Tony stated Cordell would want the bus shelter to blend into the types of home being constructed.

Commissioner Grandstaff stated the offered mitigation is \$75 per lot for the Sheriff's Office, however there is still 9-1-1 and OEM. Commissioner Rokosch stated the average offered mitigation is \$500 per lot for Public Safety and the \$200 per lot for general services. **Dara agreed to \$500 per lot for Public Safety. Cordell Norgaard offered the mitigation of \$200 per lot for general services be payable upon first conveyance with CPI.**

Commissioner Grandstaff, Commissioner Thompson, Commissioner Chilcott and Commissioner Driscoll voted sufficiently mitigated. Commissioner Rokosch voted non-sufficient due to the school contribution.

Commissioner Chilcott requested a five minute recess. Commissioner Grandstaff reconvened the hearing.

Tony asked about the payment of the offered mitigation. Commissioner Chilcott stated the offered mitigation for fire should be paid upon final plat. Commissioner Grandstaff requested consideration of Public Safety be payable upon final plat. Commissioner Rokosch requested the same for the school contribution. Board discussion followed regarding payment upon first conveyance. It was decided to have the \$800 per lot school contribution be paid half upon final plat and the remainder be paid upon first conveyance with CPI; \$500 per lot to Fire District be payable upon final plat; \$500 per lot to Public Safety upon final plat; and the remaining offered mitigation be paid upon first conveyance with CPI.

Criteria Four: Effects on Natural Environment: All Commissioners voted sufficiently mitigated.

Criteria Five: Effects on Wildlife and Wildlife Habitat: John stated the park land area with be converted in to a no build/alteration area. Commissioner Grandstaff questioned the amount of wildlife reduction. Tony stated the area does not have a significant amount of wildlife. It is more of a pathway. All Commissioners voted sufficiently mitigated.

Criteria Six: Effects on Public Health and Safety: Commissioner Rokosch stated he would like to address the individual wells. He asked if they would consider shared wells to reduce the level of perforations into the aquifer. He noted the severing the irrigation along with the water rights. That concerns him. He did contact Bill Shultz of DNRC for written communication for the legality of shared wells and the volume of water generated. It was deemed 8 gallons per minute per household was sufficient for a shared well. He further discussed his reasons why he is requesting this.

Commissioner Thompson asked if the water being delivered now is being sprinkled. Stan replied yes. Commissioner Thompson stated if it is being sprinkled then it is not affecting the aquifer. He would argue Commissioner Rokosch's request for shared wells. Whether you have one well or two wells, it is the same amount of water being used. Also, as a homeowner, you have to worry about what happens. John submitted an email regarding shared wells. Commissioner Driscoll stated she questioned Sanitarian Morgan Farrell with shared wells. She stated in his opinion the regulating of shared wells is difficult and not recommended in this case. Commissioner Grandstaff stated she is also not in favor of shared wells in this instance. Commissioner Chilcott agrees with the majority of the Board.

Commissioner Grandstaff, Commissioner Thompson, Commissioner Chilcott and Commissioner Driscoll voted sufficiently mitigated. Commissioner Rokosch voted non-sufficient due to no shared wells.

John recapped the offered mitigation as follows:

\$500 per lot for Fire District payable prior final plat approval; \$500 per lot for Public Safety payable prior to final plat approval; \$800 per lot for School District payable half prior to final plat approval and remainder payable upon first conveyance with CPI; \$250 per lot for Open Lands program payable at first conveyance with CPI; \$200 per lot for general services be payable upon first conveyance with CPI. A walk path running the interior of Herron Park Drive with an asphalt surface of five feet and then to the south side of Huckleberry Lane and then headed east to Eastside Highway and a nice looking bus shelter.

Commissioner Chilcott made a motion to approve Riverside Meadows Major subdivision based on the findings of fact and conclusions of law in the Planning Staff Report and subject to the conditions in the Staff Report and as mitigated here today. Commissioner Driscoll seconded the motion. All voted 'aye'.

► The Board met with Floodplain Administrator Laura Hendrix for signatures for LiDAR mapping contracts and a new grant application.

Laura stated the first one is the 2008-2009 Renewable Resource Grant for LiDAR. **Commissioner Chilcott made a motion to execute the grant for phase two LiDAR mapping grant. Commissioner Rokosch seconded the motion. All voted 'aye'.**

Laura stated the second one is the 2007-2008 Renewable Resource Grant for LiDAR. **Commissioner Rokosch made a motion to execute the grant for phase one LiDAR mapping grant. Commissioner Chilcott seconded the motion. All voted 'aye'.**

Minutes: Glenda Wiles

► The Board met for signatures for Sponsor Certifications for Contract Documents & Specifications for Snow Removal Equipment at the Airport. **Commissioner Chilcott made a motion to have the Chairman sign this Sponsor Certification. Commissioner Rokosch seconded the motion and all voted "aye". Commissioner Thompson and Commissioner Driscoll were not present for this vote.**

May 15th

REC'D

JUL 06 2006

RAVALLI COUNTY
HEALTH DEPARTMENT

March 9, 2006

Mr. Tony Prothero PE
Intermountain Consulting Eng. LLC
PO Box 7542
Helena, MT 59604

RE: Riverside Meadows
EQ# 06-1399
Ravalli County

Dear Tony:

In response to the above referenced submittal, the Department has completed its determination of significance for this project. This determination is made pursuant to the Administrative Rules of Montana, ARM 17.30.701-717 and 17.30.501-518.

The Department concludes that this project as proposed will not degrade state waters. This determination is based on the information submitted and is not valid if that material contains any substantive errors, inaccuracies, or misrepresentations, or if any substantive changes from the proposal are made in the project. Please refer to the attached checklist and below for specific information regarding this determination.

This approval is based on the location, dimensions, and orientation of the 15 drainfields as submitted on February 15, 2006. This approval is based on individual conventional treatment (septic tank and drainfield) systems on each lot. Each lot will be used for one single-family home.

If you have any questions, please contact me at 444-0916 or eregensburger@mt.gov.

Sincerely,

Erie F. Regensburger
Water Protection Bureau

Cc: Ravalli County Sanitarian

Tony Prothero

From: Morgan Farrell [mfarrell@ravallicounty.mt.gov]
Sent: Monday, April 28, 2008 10:49 AM
To: Tony Prothero
Cc: Lea Jordan
Subject: RE: Riverside Meadows - Ravalli Co.

Tony

Your subdivision not only had a nondegradation review but, as you know, you had the "adjacent to state waters" evaluation which is much more stringent. How a planning board can make the determination that they did without checking on the evaluation that was done is pretty odd. Nobody asked us.

We will be forwarding the nondeg findings to Planning. Please feel free to use this email anyway you would like.

Please note that we do need to address park land (lot 16) with an exemption. It will have to have sanitary restrictions on it (ARM 17.36.605 (2) (a). Please put this on the plat. Also we need an exemption request (on our website) and \$100 made out to RCEH.

Please feel free to contact me or my director (Lea Jordan) if there are any questions.

Morgan Farrell

From: Tony Prothero [mailto:tjprothero@mt.net]
Sent: Monday, April 28, 2008 9:25 AM
To: Morgan Farrell
Cc: Darra Norgaard
Subject: RE: Riverside Meadows - Ravalli Co.

Morgan,

I just thought I'd send you a note to let you know that we had our planning board hearing last week for Riverside Meadows... The planning board voted to deny the subdivision - and one of the main reasons was due to the fact that they were not convinced that groundwater would not be degraded - despite the fact that I explained to them that we were very close to having DEQ approval and that we had met all of the States rules for non-degradation... we were just waiting for public comment minutes which still won't be available until we meet with the County Commissioners next month.

Once again, would you please respond to this email regarding the status of our DEQ application for this file? I would like to forward your response to our planner to clarify this issue prior to our meeting with the Commissioners.

Thanks for all of your help... hopefully with this information we can get the commissioners to approve this!

SINCERELY,

TONY J. PROTHERO, PE
 INTERMOUNTAIN CONSULTING ENGINEERS LLC
 (406) 227-5704 | OFFICE / FAX
 (406) 439-8027 | MOBILE

From: Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]
Sent: Tuesday, August 21, 2007 8:36 AM
To: Tony Prothero
Subject: RE: Riverside Meadows - Ravalli Co.

Tony

5/14/2008

The last denial letter I sent you asked for an exemption on the plat for lot 16 (the park). I no longer believe that this is necessary. When Planning is done, please forward me an updated preliminary plat and lot layouts. Please also include a copy of any minutes from public comment (new requirement). Planning can help you with this. I think everything else is complete for DEQ.

Morgan

-----Original Message-----

From: Tony Prothero [mailto:tjprothero@mt.net]

Sent: Monday, August 20, 2007 8:05 PM

To: Morgan Farrell

Subject: RE: Riverside Meadows - Ravalli Co.

Morgan,

As you may be aware, Riverside Meadows Subdivision is now moving forward again. The county zoning imposed on this subdivision caused the developers to enter into a lawsuit with the county in which they were successful.

Anyhow, last summer we decided to pause the DEQ review on this subdivision because the subdivision included a park area; and we were unsure whether the county would be receptive of the park area. It was my understanding that you were basically ready to approve the subdivision; however, we decided to wait until the planning process at the county had been finished so that we could determine if the park was going to be part of the subdivision; and following the planning process we were going to forward a new lot layout (if necessary) for you to write an approval statement upon.

The purpose of this message is to notify you that the planning process has resumed. I need to be sure that you knew we haven't dropped the subdivision and are still planning to move forward. I don't have any recollection as to when the last denial letter was sent out; however, I also want to be sure nothing is going to expire on your end while we are trying to resolve all of these issues with the county...

Let me know if there is anything I need to do.

Thanks.

Tony

From: Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]

Sent: Friday, July 07, 2006 3:32 PM

To: Tony Prothero

Subject: RE: Riverside Meadows - Ravalli Co.

Sounds good. Have a good weekend.

-----Original Message-----

From: Tony Prothero [mailto:tjprothero@mt.net]

Sent: Friday, July 07, 2006 2:30 PM

To: Morgan Farrell

Cc: 'KEN JENKINS'

Subject: RE: Riverside Meadows - Ravalli Co.

Morgan,

Yes I agree, we should wait.

We should know for certain what planning is going to do regarding the park area fairly soon now. Our prelim. plat application is nearly deemed substantial for review... So, I suppose you should send us the denial letter, and we'll provide you with the correct lot layout after we are through the prelim. plat process.

5/14/2008

Thanks for your help.

SINCERELY,

TONY J. PROTHERO, P.E.
INTERMOUNTAIN CONSULTING ENGINEERS LLC
(406) 227-5704 | OFFICE
(406) 227-5925 | FAX
(406) 439-8027 | CELL

From: Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]
Sent: Friday, July 07, 2006 3:22 PM
To: Tony Prothero
Subject: RE: Riverside Meadows - Ravalli Co.

Tony,
I think it's in your best interests to wait and see what Planning does. This way I could approve the correct lot layout rather than do a correction later. The fees for this could be substantial. If nothing changes then you could send the exemption and we could finalize. If we decide to do the latter I would probably have to send a denial letter to stop my clock. The understanding would be (between us) that as soon as Planning decided what they would do, I will send out the approval within a day or two.
I think the best thing for you is to wait. Do you agree?
Morgan.

-----Original Message-----

From: Tony Prothero [mailto:tjprothero@mt.net]
Sent: Friday, July 07, 2006 8:18 AM
To: Morgan Farrell
Subject: RE: Riverside Meadows - Ravalli Co.

Morgan,

There is a great possibility that the area that makes up Lot 16 will be divided up and combined into the adjacent lots to make those lots larger... Lot 16 was originally intended to be parkland; however, based on our recent correspondence with county planning, it appears that they will not accept this area as parkland...

What should we do? Should we wait and see what happens, and then forward a new lot layout for approval... or if by chance they did accept this for parkland, then we could forward you the exemption application and fee??? The new lot layout would not create any new drainfield or well sites... it would use the existing well and drainfield sites shown on your lot layout...

Secondly, if we were to postpone for a short time, would there be a chance that this could impact the DEQ application?

Let me know what your thoughts are on this...

Thanks.

SINCERELY,

TONY J. PROTHERO, P.E.
INTERMOUNTAIN CONSULTING ENGINEERS LLC
(406) 227-5704 | OFFICE
(406) 227-5925 | FAX
(406) 439-8027 | CELL

5/14/2008

From: Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]
Sent: Friday, July 07, 2006 9:10 AM
To: Tony Prothero
Subject: RE: Riverside Meadows - Ravalli Co.

Hi Tony. One thing did come up on this. Lot 16 needs to be accounted for. We will need an exemption for it on the plat. Our county also has an exemption form and a fee of \$100 (check to RCEH). I am faxing you a copy of the three page form. Please call if you have any questions - 375-6572 (I checked with Theresa on this to be sure).
Morgan Farrell.

-----Original Message-----

From: Tony Prothero [mailto:tjprothero@mt.net]
Sent: Thursday, July 06, 2006 6:58 AM
To: Morgan Farrell
Subject: RE: Riverside Meadows - Ravalli Co.

I can also provide you with any required lot layouts. Let me know if I need to do anything to help this one along...

Thanks.

SINCERELY,

TONY J. PROTHERO, P.E.
INTERMOUNTAIN CONSULTING ENGINEERS LLC
(406) 227-5704 | OFFICE
(406) 227-5925 | FAX
(406) 439-8027 | CELL

From: Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]
Sent: Thursday, July 06, 2006 7:43 AM
To: Theresa Blazicevich
Cc: tjprothero@mt.net
Subject: RE: Riverside Meadows - Ravalli Co.

I just need to do the approval letter. I am waiting for the correct lot layouts from Eric so I stamp the right ones. I wasn't in the loop on the nondeg issues. Since this subdivision was begun before last October, SB290 doesn't come into play, so I don't have to wait for Planning to complete my part.
Morgan.

-----Original Message-----

From: Theresa Blazicevich
Sent: Wednesday, July 05, 2006 1:33 PM
To: 'Tony Prothero'
Cc: Morgan Farrell
Subject: RE: Riverside Meadows - Ravalli Co.

Tony,
Morgan from our office is completing the subdivision reviews now. I am forwarding this message to him. Feel free to contact him via the above email address. How is the big city of Helena, my old stomping grounds for 22 years?
Theresa

-----Original Message-----

From: Tony Prothero [mailto:tjprothero@mt.net]
Sent: Wednesday, July 05, 2006 1:02 PM

To: Theresa Blazicevich
Subject: FW: Riverside Meadows - Ravalli Co.

Theresa,

I believe we have addressed the issues identified in your deficiency letter regarding this subdivision... We received a letter from Eric Regensberger that the non-deg was okay, and it appears that below the stormwater is approved.

Do you know what we'll need to do to finalize this?

Please let me know.

Thanks.

SINCERELY,

TONY J. PROTHERO, P.E.
INTERMOUNTAIN CONSULTING ENGINEERS LLC
(406) 227-5704 | **OFFICE**
(406) 227-5925 | **FAX**
(406) 439-8027 | **CELL**

From: Wermers, Greg [mailto:GWermers@mt.gov]
Sent: Monday, July 03, 2006 12:06 PM
To: Tony Prothero
Subject: RE: Riverside Meadows - Ravalli Co.

Hi Tony,

I reviewed and approved the drainage calculations for Riverside Meadows on June 20. I sent an email to Morgan Ferrell concerning the stormwater approval. So its in Morgan's hands for the final approval.

Thanks,

Greg Wermers
Environmental Science Specialist
Subdivision Review Section
Missoula Regional Office
(406)258-3720

From: Tony Prothero [mailto:tjprothero@mt.net]
Sent: Monday, June 26, 2006 1:47 PM
To: Wermers, Greg
Subject: Riverside Meadows - Ravalli Co.

Greg,

Just thought I'd check in and see if you've had a chance to look over the revised drainage calculations for Riverside Meadows.

Let me know when you can.

5/14/2008

Thanks.

SINCERELY,

TONY J. PROTHERO, P.E.
INTERMOUNTAIN CONSULTING ENGINEERS LLC
(406) 227-5704 | OFFICE
(406) 227-5925 | FAX
(406) 439-8027 | CELL

5/14/2008